

O.K.

L A W S

Nicholas — OF THE *Bayard*

S T A T E

17 - OF 00

NEW-YORK,

Passed by the Legislature of said State, at their Eleventh Session.



N E W - Y O R K :

Printed by SAMUEL and JOHN LOUDON, Printers to the State,
M,DCC,LXXXVIII.

Table of Contents.

TITLES OF THE ACTS,

Passed by the Legislature at their Eleventh Session.

CHAP.	Page.
1. A N ACT to naturalize Robert Edmeston.	5
2. —To prevent Delays of Proceedings at the General Sessions of the Peace, and Abuses in suing out Writs of Certiorari.	6
3. —To avoid unnecessary Delays of Executions.	8
4. —For giving further Remedy by Actions of Account.	9
5. —To prevent Abuses and Delays in Actions of Replevin.	10
6. —To prevent Forcible Entries and Detainers.	13
7. —To enable Grantees of Reversions to take Advantage of the Conditions to be performed by Lessees.	15
8. —To compel Joint Tenants, and Tenants in Common to make Partition, and for the more easy obtaining Partition of Lands in Coparcenary, Joint Tenancy and Tenancy in Common.	16
9. —To redress Disorders by common Informers, and to prevent malicious Informations.	18
10. —For the more effectual Discovery of the Death of Persons beyond Sea, absconding themselves, upon whose Lives Estates do depend.	22
11. —For rendering the Proceedings upon Writs of Mandamus and Informations, in the nature of <i>Quo Warranto</i> more speedy and effectual.	24
12. —Concerning Idiots, Lunatics, and Infant Trustees.	26
13. —For ascertaining the Measure of Land.	27
14. —For the Relief of Cities and Towns, from such Charges as may arise from Bastard Children born within the same.	27
15. —Concerning Apprentices and Servants.	29
16. —Against buying and selling of Offices.	33
17. —For preventing and punishing Perjury, and Subornation of Perjury, and for compelling the Attendance of Witnesses.	34
18. —For preventing and punishing Champerty and Maintenance.	39
19. —For the Prevention and Punishment of Extortion.	39
20. —For preventing and punishing Forgery and Counterfeiting.	39
21. —Making it Felony in such who shall levy any Fine, suffer any Recovery, or acknowledge any Deed, Recognizance, Bail or Judgment in the name of another not being privy and consenting thereto.	40
22. —To prevent stealing and avoiding Records.	41
23. —Declaring it to be Felony in Servants to embezzle their Masters Goods.	41
24. —To restrain all Persons from marrying until their former Wives and former Husbands be dead.	42
25. —To prevent malicious Maiming and Wounding.	42
26. —Concerning Prisoners breaking Prison.	42
27. —To repeal an Act entitled "An Act to prevent the Destruction of Fish in the County of Suffolk."	43
28. —Requiring all Persons holding Offices or Places under the Government of this State, to take the Oaths therein mentioned.	43
29. —To repeal the Act entitled "An Act for the Relief of Insolvent Debtors."	45
30. —To	

Repealed, 17, 1719.

68. —To enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raising Monies by Tax, for the Maintenance of the Poor, and for defraying the other contingent Expences arising in said City and County.	165
69. —For building a Gaol, and repairing the Court-House in the City and County of Albany.	166
70. —To enable the Mayor, Aldermen and Commonalty of the City of Albany in Common-Council convened, to order the raising Monies by Tax for the Purposes therein mentioned.	167
71. —To prevent firing the Woods.	167
72. —Supplementary to, and for the Amendment of the Act entitled "An Act imposing Duties on Goods and Merchandize imported into this State," and to relieve the Persons who have been aggrieved thereby.	168
73. —To repeal the Acts therein mentioned.	172
74. —For raising a further Sum of Money, for compleating the Court-House and Gaol in the County of Columbia.	178
75. —To enable David Richard Floyd to add the Name of Jones to his Surname.	179
76. —To prolong the Collection of the Tax therein mentioned.	179
77. —For the more effectual Collection of the Arrears of Taxes heretofore made receivable in Public Securities.	179
78. —For the Payment of the Monies still due for compleating the Court-House and Gaol, in the County of Dutchess.	181
79. —For the better extinguishing of Fires in the City of Albany.	182
80. —For the better extinguishing Fires in the Town of Brooklyn, in King's County.	183
81. —To prevent the storing of Gun-Powder within certain Parts of the City of New-York.	184
82. —To prevent the Destruction of Deer.	186
83. —Vesting the Estate of Sarah Ann Delaplaine, in the Trustees therein named.	187
84. —For the Relief of Francis Upton.	188
85. —To punish Infractions of that Article of the Constitution of this State, prohibiting Purchases of Lands from the Indians, without the Authority and Consent of the Legislature, and more effectually to provide against Intrusions on the Unappropriated Lands of this State.	188
86. —For raising Monies by Tax.	189
87. —To naturalize the Persons therein named.	191
88. —To prevent breaking and defacing Mile-Stones and Public Monuments.	192
89. —To extend the Powers of the Commissioners of the Land-Office.	192
90. —Relating to the Forfeited Estates.	195
91. —To empower the Commissioners of Forfeitures for the Western District of this State, to convey the Lands therein mentioned to the present Possessors.	198
92. —For giving Relief in Cases of Insolvency.	199
93. —For the Payment of the Salaries of the Officers of Government, and other contingent Charges.	206
94. —For the Relief of the Creditors of William Van Derlocht, and for other Purposes therein mentioned.	209
95. —Directing the Settlement of Public Accounts, and for other Purposes therein mentioned.	211



L A W S

OF THE

STATE OF NEW-YORK;

Passed at the First Meeting of the Eleventh Session of the Legislature
of the said State.

C H A P. I.

An ACT to Naturalize Robert Edmeston. Passed the 6th of February, 1788.

WHEREAS Robert Edmeston hath by his petition to the Legislature, prayed that an act of naturalization might be passed in his behalf; therefore *BE it enacted by the people of the State of New-York, represented in Senate and Assembly and it is hereby enacted by the authority of the same;* That the said Robert Edmeston shall be and he is hereby naturalized, and shall from and after having taken and subscribed in any court of record within this State, the oath of allegiance to this State, and abjured and renounced all allegiance and subjection to all and every foreign King, Prince, Potentate and State, in all matters ecclesiastical as well as civil, be deemed a citizen of this State, to all intents, constructions and purposes whatsoever; and that the court in which the said Robert Edmeston shall be admitted to take such oath, shall cause an entry thereof to be made in the minutes of the said court, and shall give a certificate to the said Robert Edmeston, purporting that he hath been admitted to such oath in the said court, in pursuance of this act; and that he shall upon taking of such oath pay to the judges of such court six-shillings, and to the clerk thereof three shillings.

Preamble

Robert Edmeston
naturalized on tak-
ing the oath,

And whereas the said Robert Edmeston hath by his said petition represented, that he hath unadvisedly made purchase of lands and tenements in this State, and hath prayed relief in the premises; Therefore

Recital.

II. *Be it further enacted by the authority aforesaid,* That any lands, tenements or hereditaments, lying within this State, and purchased previous to the passing of this act, by the said Robert Edmeston, shall not on account of such purchase being previous to the passing of this act, escheat to the People of this State, but shall vest in the said

Robert Edmeston's purchase, &c.
made legal,

B

Robert

gazine of Comfort and Joshua Sands, to the East-River aforesaid, and from thence down the East-River, to the place of beginning, at the annual town-meeting of the freeholders and inhabitants of the same town, on the first Tuesday in April in every year, to nominate and appoint, eight able and sober men, residing within the limits aforesaid, to have the custody, care and management of the fire engine or engines, and the other tools and instruments, now provided, or hereafter to be provided, for extinguishing fires within the limits aforesaid; and all or any of the persons so by them to be nominated and appointed, from time to time, at any annual or other town-meeting, to remove or displace, and any other person or persons, in his or their place and stead to nominate and appoint; and that the persons so to be nominated and appointed, shall be called the fire-men of Brooklyn, and shall be ready at all times, as well by night, as by day, to manage, work, and exercise the same fire-engine, or engines, and the other tools and instruments aforesaid, now provided, and to be provided, for extinguishing fires within the limits aforesaid; and shall be subject to such rules, orders and regulations in their conduct, duty and behaviour, as the freeholders and inhabitants of the same town, residing within the limits aforesaid, in town-meeting convened, shall from time to time make and establish, for the better government of the same firemen: And that such rules, orders and regulations, so to be made as aforesaid, shall also be entered in the town-book, to be kept by the clerk of the same town.

And at their said meetings also to displace any of them and appoint others.

Who shall be ready at all times to work and manage the same.

And be subject to such regulations as the said inhabitants shall make.

Such firemen exempted from serving as jurors, and from militia duty.

And their names to be registered.

Recital.

Inhabitants may direct monies to be raised for the repairs of engines, &c.

To be paid to the town clerk for the purposes aforesaid.

II. *And be it further enacted by the authority aforesaid,* That every person so to be nominated and appointed a fireman as aforesaid, shall be and hereby is declared to be, during his continuance in that office, and no longer, exempted and privileged from serving in the office of overseer of the highways or constable, and from being impanelled upon any jury or inquest, and of and from militia duty, except in cases of invasion or other imminent danger; and to that end, the name of each person, to be nominated and appointed a fireman by virtue of this act, shall be registered and entered in the town-book, to be kept by the clerk of the same town as aforesaid, and his certificate of such nomination and appointment, shall be sufficient evidence, in all courts and cases, of such privilege and exemption.

And whereas the fire engine or engines, now provided or hereafter to be provided within the limits aforesaid, will want repairs, and it may be necessary to provide other instruments for the extinguishing fires: *Therefore,*

III. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the freeholders and inhabitants of the said town of Brooklyn residing within the limits aforesaid, at any town-meeting, to direct such sum or sums of money as they shall deem necessary and proper for the purposes aforesaid, to be raised, levied and collected, at the same time, and in the same manner as the monies for the maintenance and support of the poor, within the same town are by law directed to be raised, levied and collected, and to be paid into the hands of the town-clerk of the same town, to be by him paid and applied for the purposes aforesaid, at such time and times, and in such manner as the major part of the firemen aforesaid, shall from time to time direct and appoint.

C H A P. LXXXI.

An ACT to prevent the storing of Gun-Powder within certain parts of the City of New-York. Passed the 15th of March 1788.

Preamble:

WHEREAS the practice of storing gun-powder within certain parts of the city of New-York, is dangerous to the safety of the said city; *Therefore,*

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons, to have or keep any quantity of gun-powder exceeding twenty-eight pounds weight, in any one place, house, store or out-house, less than

No person to keep more than twenty eight pounds of powder in any one house, store, &c.

one

one mile to the northward of the City-Hall of the said city, except in the public magazine at the fresh-water; which said quantity of twenty-eight pounds, shall be separated in four stone jugs or tin cannisters, each of which shall not contain more than seven pounds; and if any person or persons shall keep any greater quantity than twenty-eight pounds, in any one place, house, store or out-house, or if the same gun-powder so permitted to be kept as aforesaid, shall not be separated in the manner herein above directed, he, she or they shall forfeit all such gun-powder so kept, contrary to the true intent and meaning of this act, or so permitted to be kept, and which shall not be separated as aforesaid; and shall also forfeit the sum of *fifty pounds* for every hundred weight of powder, and in that proportion for a greater or less quantity, to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue for the same. *Provided always*, That all actions and suits to be commenced, sued or prosecuted, against any person or persons, for any thing done contrary to this act, shall be commenced, sued or prosecuted within two calendar months next after the offence committed and not at any time thereafter.

(with in one mile of the City-Hall) & that to be divided into four parcels.

On Penalty of forfeiting the same and 50l. for every 100lb.

And to avoid dangers from gun-powder laden on board of any ship or other vessel, arriving from sea:

II. *Be it further enacted by the authority aforesaid*, That the commander or owner or owners of every ship or other vessel arriving from sea, and having gun-powder on board, shall within twenty-four hours after her arrival in the harbour, and before such ship or other vessel be hauled along side of any wharf, pier or key within the said city, land the said gun-powder, by means of a boat or boats, or other small craft at any place on the East-River, east of the wharf now building by Thomas Buchanan, or at any place on the North-River, to the northward of the air-furnace, which may be most contiguous to any of the magazines, and shall cause the same to be stored in one of the magazines now built, or hereafter to be built for that purpose, on pain of forfeiting all such gun-powder to any person or persons who will sue and prosecute for the same to effect, in manner aforesaid.

Commanders of vessels how to land and store gun-powder.

And to prevent any evil consequences which may arise from the carriage of gun-powder,

III. *Be it further enacted by the authority aforesaid*, That all gun-powder which shall be carried through the streets of the said city, by carts, carriages, or by hand, or otherwise, shall be in tight casks, well headed and hooped, and shall be put into bags or leather cases, and entirely covered therewith, so that no powder may be spilled or scattered in the passage thereof, on pain of forfeiting all such gun-powder as shall be conveyed through any of the streets aforesaid, in any other manner than is hereby directed; and it shall and may be lawful for any person or persons, to seize the same to his or their own use and benefit, and to convey the same to one of the magazines aforesaid, and thereupon to prosecute the person or persons offending against this act before the Mayor or Recorder and any two Aldermen of the said city; and such gun-powder shall upon conviction be condemned to the use of the person or persons seizing the same.

Gun-powder how to be transported thro' the streets.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor or Recorder, or any two Aldermen of the said city, upon application made by any inhabitant or inhabitants of the said city, and upon his or their making oath of reasonable cause of suspicion (of the sufficiency of which the said Mayor or Recorder, or Aldermen is and are to be the judge or judges) to issue his or their warrant or warrants, under his or their hand and seal, or hands and seals, for searching for such gun-powder, in the day time, in any building or place whatsoever, within the limits aforesaid, or in any ship or other vessel, within forty-eight hours after her arrival in the harbour, or at any time after such ship or other vessel shall and may have hauled along side any wharf, pier or key, within the limits aforesaid: And that upon any such search it shall be lawful for the persons finding any such gun-powder, immediately to seize, and at any time within twelve hours after such seizure, to convey the same to one of the magazines aforesaid; and the same gun-powder being so removed, to detain and keep, until it shall be determined by the Mayor or Recorder

Mayor, &c., on suspicion of gun-powder being concealed may issue a warrant to search for and seize the same.

der and any two Aldermen of the said city, whether the same is forfeited by virtue of this act: And the person or persons so detaining the same, shall not be subject or liable to any action or suit for the detention thereof.

Proviso.

This act not to extend to ships of war or packets.

Provided always, That nothing in this clause of this act contained, shall be construed to authorise any person having such warrant, to take advantage of the same, for serving any civil process of any kind whatsoever: *Provided also*, That nothing in this act contained shall extend to ships of war, or packets in the service of the United States or any of them, or of any foreign Prince or State; nor to authorise the searching for gunpowder on board of any such ship or vessel while laying in the stream, and upwards of one hundred yards from the wharf or shore.

V. *And be it further enacted by the authority aforesaid*, That if any gunpowder exceeding twenty-eight pounds shall be found in the custody of any person, during any fire or alarm of fire, in the said city, by any fireman of the said city, it shall be lawful for him to seize the same, without warrant from the Mayor, or Recorder or Aldermen, and to cause the same to be condemned, in manner aforesaid, to his own use; any thing in this act to the contrary notwithstanding.

C H A P. LXXXII.

An A C T to prevent the Destruction of Deer. Passed the 15th of March, 1788.

31. to be forfeited for every deer killed between certain days

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall kill or destroy any wild buck, doe or fawn, or any other sort of deer whatsoever, at any time in the months of January, February, March, April, May, June or July, every such person, shall, for every buck, doe or fawn, or other deer so killed or destroyed as aforesaid, contrary to the true intent and meaning of this act, forfeit and pay the sum of *three pounds*, to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same; the one moiety of which forfeiture, when recovered, to be paid to the overseers of the poor of the town or place where the offence shall be committed, for the use of the poor thereof; and the other moiety to such person or persons as shall sue and prosecute for the same as aforesaid.

Persons selling venison between the times aforesaid to be considered as the killers.

II. *And be it further enacted by the authority aforesaid*, That every person in whose custody shall be found, or who shall expose to sale any green deer skin, fresh venison, or deers flesh, at any time in any of the months before mentioned, and shall be thereof convicted before any Justice of the Peace, by the oath of one credible witness, or by the confession of the party, shall, unless such party shall prove that some other person killed such buck, doe, fawn, or other deer, be deemed and adjudged guilty of the said offence.

And in order the more easily to convict offenders against this act,

Mode for convicting offenders.

III. *Be it further enacted by the authority aforesaid*, That it shall be lawful for any Justice of the Peace in any County of this State, and every such Justice is hereby required, upon demand made by any person, assigning a reasonable cause of suspicion, upon oath (of the sufficiency of which the said Justice is to judge) at any time in any of the months before mentioned, to issue his warrant under his hand and seal, to any constable of any town or place in the same county, for searching in the day time in any house, store, out-house, or other place whatsoever, where any green deer skin, fresh venison, or deer's flesh is suspected to be concealed: And in case any green deer skin, fresh venison or deer's flesh, shall upon such search be found, the person in whose custody the same shall be found, or who concealed the same, shall forfeit the sum of *three pounds*, to be recovered and applied in manner aforesaid.

No deer to be hunted or killed with blood-hounds under penalty of 31.

IV. *And be it further enacted by the authority aforesaid*, That if any person or persons shall at any time hunt, pursue or destroy any wild buck, doe, or fawn,

or